

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Equant, Inc.	)	WC Docket No. 06-122
	)	
Request for Review of Decision of the	)	
Universal Service Administrator	)	
	)	

**MOTION FOR PARTIAL WITHDRAWAL  
OF REQUEST FOR REVIEW OF DECISION OF  
UNIVERSAL SERVICE ADMINISTRATOR**

Equant, Inc. (“Equant” or the “Company”), by its attorneys, and in accordance with sections 1.51 and 54.722 of the Commission’s rules, 47 C.F.R. §§ 1.51, 54.722 , submits this Motion for Partial Withdrawal of Request for Review of Decision of the Universal Service Administrator (“Motion”). On January 3, 2012, Equant filed with the FCC an appeal seeking *de novo* review of an audit report issued by the Universal Service Administrative Company (“USAC”) Board of Directors (the “Appeal”).<sup>1</sup> In the Appeal, Equant challenges two narrow aspects of the Audit Report. The second challenged issue, which is the subject of this Motion,

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<sup>1</sup> Request for Review by Equant, Inc. of Decision of Universal Service Administrator, WC Docket No. 06-122 (filed Jan. 3, 2012); *see* USAC Internal Audit Division Report on the Audit of Equant, Inc. 2008 FCC Form 499-A Rules Compliance (USAC Audit No. CR2009CP001), dated Mar. 23, 2011, adopted by the USAC Board of Directors, October 25, 2011 (“Audit Report”). The USAC Audit Report was issued to Equant on November 2, 2011. *See* Letter from Colleen Grant, USAC, to Ivana Kriznic, Equant, dated Nov. 2, 2010.

concerns the appropriate treatment of IP-based virtual private network services (“IP-VPN”) revenues pending the FCC’s response to a USAC guidance request.<sup>2</sup>

On January 17, 2012, Equant, by its attorney, submitted to USAC a revised 2008 FCC Form 499-A to comply with the instructions provided in the Audit Report.<sup>3</sup> In that filing, Equant reported the portion of IP-VPN revenue initially reported as international telecommunications as information service revenue, noting that the Audit Report treated Equant’s IP-VPN revenue as an “Other Matter” that would have “no effect on the outcome of [the] audit,” and that Equant relied on additional information demonstrating that the revenue should be classified as information service revenue. Equant also stated that it did not previously pay USF on the international portion of the revenue, and with the revision, it will not pay USF on the IP-VPN portion of its revenues.

By letter dated February 23, 2012, USAC informed Equant that it had accepted and processed the revised 2008 FCC Form 499-A, and agreed that the revision recalculates Equant’s universal service contribution obligations in accordance with the Audit Report.<sup>4</sup> USAC further stated that because it currently has an open guidance request before the FCC regarding the treatment of IP-VPN revenue for federal universal service purposes, it takes no position at this time regarding Equant’s IP-VPN revenue reclassification. USAC also stated that because it did not oppose Equant’s reclassification of the IP-VPN revenue on the revised 2008 FCC Form 499-A, it understands that Equant intends to withdraw this portion of its appeal before the FCC. As a result, due to the pending FCC guidance request, Equant will not be assessed USF

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<sup>2</sup> The second issue is discussed and explained fully in Section III of the Appeal.

<sup>3</sup> See Letter from Steven Augustino, Counsel for Equant, to David Capozzi, USAC Acting General Counsel, dated Jan. 17, 2012.

<sup>4</sup> See Letter from Michelle Garber, Director of Financial Operations, USAC, to Steven Augustino, Counsel for Equant, dated Feb. 23, 2012.

contributions on the IP-VPN revenues it reported as information service revenues in the revised 2008 Form 499-A.

By accepting the revised 2008 FCC Form 499-A, USAC has mooted the second challenged issue in Equant's pending request for review of the Audit Report, concerning the appropriate treatment of IP-VPN revenues. Therefore, for the aforementioned reasons, Equant hereby withdraws Section III of its pending Appeal, which relates to the appropriate treatment of IP-VPN revenues. Equant reserves its rights to appeal this issue later should USAC take adverse action against Equant in the future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven A. Augustino", is written over a horizontal line.

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*Counsel for Equant, Inc.*

March 2, 2012

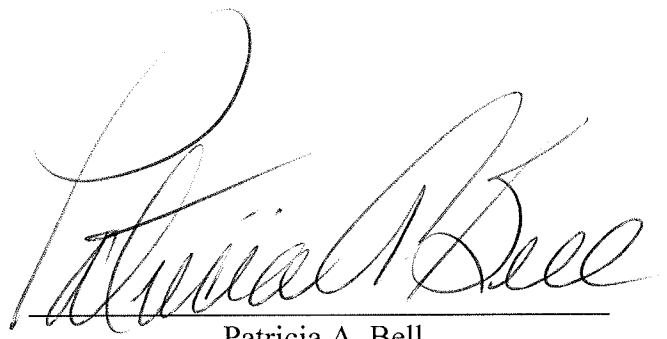
**CERTIFICATE OF SERVICE**

I, Patricia A. Bell do hereby certify that on this 2nd day of March, 2012, I served a true and correct copy of the foregoing Equant, Inc. Motion for Partial Withdrawal of Request for Review of Decision of the Universal Service Administrator on the following by hand delivery:

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Acting Chief Executive Officer  
Universal Service Administrative Corp.  
2000 L Street, NW  
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Ms. Vickie Robinson  
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A handwritten signature in cursive script, reading "Patricia A. Bell", written over a horizontal line.

Patricia A. Bell